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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/727,524	03/29/2001	Hua Chen	SOM920000010/1963-7399	5544
7590 03/08/2006			EXAMINER	
WILLIAM E LEWIS RYAN MASON & LEWIS LLP 90 FOREST AVENUE LOCUST VALLEY, NY 11560			KANG, INSUN	
			ART UNIT	PAPER NUMBER
			2193	
DATE MAILED: 03/08/2006				

Please find below and/or attached an Office communication concerning this application or proceeding.

<b>Office Action Summary</b>	<b>Application No.</b> 09/727,524	<b>Applicant(s)</b> CHEN ET AL.	
	<b>Examiner</b> Insun Kang	<b>Art Unit</b> 2193	

**-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --**

**Period for Reply**

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

**Status**

- 1) ☒ Responsive to communication(s) filed on 29 September 2005.
- 2a) ☒ This action is **FINAL**.                      2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

**Disposition of Claims**

- 4) ☒ Claim(s) 1-28 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 1-28 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

**Application Papers**

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on \_\_\_\_\_ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

**Priority under 35 U.S.C. § 119**

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All    b) ☐ Some \*    c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
  2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
  3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

**Attachment(s)**

- |  |   |
|--|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892)  | 4) <input type="checkbox"/> Interview Summary (PTO-413)<br>Paper No(s)/Mail Date. _____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948)                                   | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152)             |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)<br>Paper No(s)/Mail Date _____ | 6) <input type="checkbox"/> Other: _____  |

### **DETAILED ACTION**

1. This action is in response to the amendment filed 9/29/2005.
  2. As per applicant's request, claims 1, 11, 14, 18, and 28 have been amended.
- Claims 1-28 are pending in the application.

### ***Claim Rejections - 35 USC § 103***

3. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

4. Claims 1-3, 5, 7, 8, 10, 11, 13, 14-17 rejected under 35 U.S.C. 103(a) as being unpatentable over Gibbon (US Patent 6,473,778) in view of Hui (US Patent 6,654,030).

Per claim 1:

Gibbon discloses:

- creating a multimedia content file from rich media content as a first input to an authoring tool (i.e. col. 3 lines 1-28; col. 13 lines 53-col. 14 line 7)
- creating a text based rich media content description file as a second input to the authoring tool(i.e. col. 3 lines 1-28; col. 13 lines 53-col. 14 line 7)

Gibbon does not explicitly teach that the description file comprises a user-specified vocabulary that defines rich media content and relationships between rich media content allowing a user to format the multimedia content file. However, Hui teaches a XML-based media file was known in the pertinent art, at the time applicant's invention

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was made to easily understand, modify a media file, and for extensibility (i.e. col. 2 line 59-col. 3 line 30). It would have been obvious for one having ordinary skill in the art to modify Gibbon's disclosed system to incorporate the teachings of Hui by using the XML-based format instead of using the HTML representation. The modification would be obvious because one having ordinary skill in the art would be motivated to allow users to easily understand and edit media contents (i.e. col. 2 line 59-col. 3 line 30).

Gibbon in view of Hui further discloses combining the multimedia content file and the text based description file in accordance with the user-specified vocabulary to create a composed file using the authoring tool for execution on a multimedia player (i.e. col. 13 lines 53-62).

Per claim 2:

The rejection of claim 1 is incorporated, and further, Gibbon teaches:

-d) editing the rich media content description file by a user using a text editor (i.e. col. 13 lines 53-62).

Per claim 3:

The rejection of claim 1 is incorporated, and further, Hui teaches:

e) using an Extensible Markup Language (XML) program to create the description file(i.e. col. 2 line 59-col. 3 line 30).

Per claim 5:

The rejection of claim 1 is incorporated, and further, Hui teaches:

-transmitting the rich media content as a streaming digital file (i.e. col. 5 lines 35-40).

Per claim 7:

The rejection of claim 1 is incorporated, and further, Gibbon teaches:

- storing the composed file and the description file for access by one or more content creators (i.e. Fig 9).

Per claim 8:

The rejection of claim 1 is incorporated, and further, Hui teaches:

- downloading the composed file for display to a user in an application (i.e. Fig 6).

Per claim 10:

The rejection of claim 5 is incorporated, and further, Hui teaches:

- generating the streaming digital file as a binary file using a HotMedia format (i.e. col. 5 lines 35-40).

Per claim 11:

Gibbon discloses:

- a) a processor for receiving rich media (i.e. Fig 9);
- b) means for assembling the rich media as a combined multimedia vehicle repository (MVR) file (i.e. Fig 9); and c) means for automatically generating a rich media content description file (i.e. col. 13 line 53- col. 14 line 7).

Gibbon does not explicitly teach the rich media content description file comprising a user-specified vocabulary that defines the rich media and relationships between the rich media allowing a user to format the multimedia content file. However, Hui teaches a XML-based media file was known in the pertinent art, at the time applicant's invention was made to easily understand, modify a media file, and for

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extensibility (i.e. col. 2 line 59-col. 3 line 30). It would have been obvious for one having ordinary skill in the art to modify Gibbon's disclosed system to incorporate the teachings of Hui by using the XML-based format instead of using the HTML representation. The modification would be obvious because one having ordinary skill in the art would be motivated to allow users to easily understand and edit media contents (i.e. col. 2 line 59-col. 3 line 30).

Gibbon in view of Hui further discloses combining the MVR file and the description file in accordance with the user-specified vocabulary to create an edited MVR file for execution on a multimedia player (i.e. col. 13 lines 53-62).

Per claim 13:

The rejection of claim 11 is incorporated, and further, Hui teaches:

-an Extensible Markup Language (XML) program running in the processor for translating descriptive text in combining the MVR file and the description file(i.e. col. 2 line 59-col. 3 line 30).

Per claim 14:

Gibbon discloses:

-means for receiving and storing rich media assets in a binary format as a multimedia vehicle repository (MVR) file (i.e. Fig 9);

Gibbon does not explicitly teach means for preparing a textual description of the MVR file comprising a user-specified vocabulary that defines the rich media assets and relationships between the rich media assets allowing a user to format the multimedia content file. However, Hui teaches a XML-based media file was known in the pertinent

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art, at the time applicant's invention was made to easily understand, modify a media file, and for extensibility (i.e. col. 2 line 59-col. 3 line 30). It would have been obvious for one having ordinary skill in the art to modify Gibbon's disclosed system to incorporate the teachings of Hui by using the XML-based format instead of using the HTML representation. The modification would be obvious because one having ordinary skill in the art would be motivated to allow users to easily understand and edit media contents (i.e. col. 2 line 59-col. 3 line 30).

Gibbon in view of Hui further discloses combining the MVR file and the MVR textual description in accordance with the user-specified vocabulary to create an edited MVR file executable on a multimedia player as an application (i.e. col. 13 lines 53-62).

Per claim 15:

The rejection of claim 14 is incorporated, and further, Hui teaches:

e) the textual description is Extensible Markup Language (XML) based (i.e. col. 2 line 59-col. 3 line 30).

Per claim 16:

The rejection of claim 14 is incorporated, and further, Hui teaches:

d) means for modifying the textual description to create a new MVR-XML based file(i.e. col. 2 line 59-col. 3 line 30).

Per claim 17:

The rejection of claim 14 is incorporated, and further, Gibbon and Hui teaches:

-modifying the textual description using a standard text-editing tool(i.e. Gibbon, col. 13 lines 53-62; Hui, i.e. col. 2 line 59-col. 3 line 30).

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Per claims 18-20, 22, 24, 25, and 27, they are the program medium versions of claims 1, 3, 5, 7, 8, and 10 respectively, and are rejected for the same reasons set forth in connection with the rejection of claims 1, 3, 5, 7, 8, and 10 above.

Per claim 28, it is another method version of claim 1, respectively, and is rejected for the same reasons set forth in connection with the rejection of claim 1 above.

5. Claims 4, 12, and 21 are rejected under 35 U.S.C. 103(a) as being unpatentable over Gibbon (US Patent 6,473,778), in view of Hui (US Patent 6,654,030), and further in view of Martens (US Patent 4,570,221).

In regard to claim 4, incorporating the rejection of claim 1 above:

"...executing a batch processing program to combine the description file and the multimedia content file. "

Gibbon teaches the combining of a descriptive file and a rich media content file, but neither Gibbon nor Hui teaches executing a batch processing. However, Martens teaches the combining of files executing a batch process (column 1, lines 25 - 28).

Therefore, it would have been obvious to one skilled in the art at the time the invention was made to combine two files, for example a descriptive file and a rich media content file as taught by Gibbon, and incorporate the teaching of Martens, because performing the combining with a batch process frees the user from the execution details and also enables the process to run of-line as taught by Martens (column 1, lines 25 - 28).

Per claim 12, it is the apparatus version of claim 4, respectively, and is rejected for the same reasons set forth in connection with the rejection of claim 4 above.



Per claim 21, it is the program medium version of claim 4, respectively, and is rejected for the same reasons set forth in connection with the rejection of claim 4 above.

6. Claims 6 and 23 are rejected under 35 U.S.C. 103(a) as being unpatentable over Gibbon (US Patent 6,473,778) in view of Hui (US Patent 6,654,030), and further in view of (Mills, U.S. Patent 6,397,219).

In regard to claim 6, incorporating the rejection of claim 1 above:

"... using a graphical authoring tool to edit the rich media content; "

Gibbon teaches collecting rich media content and combining with a descriptive file with an authoring tool, but neither Gibbon nor Hui teaches a graphical authoring tool.

However, Mills discloses a graphical authoring tool (column 15, line 60 to column 16, line 16). Therefore, it would have been obvious to one skilled in the art at the time the invention was made to modify the authoring tool as taught by Gibbon which combines a descriptive file and a rich media content, with the graphical authoring feature as disclosed by Mills, because this modification provides a means for the authoring tool of Gibbon easily access and efficiently edit Web pages, as taught by Mills (column 15, lines 60- 67). Gibbon further discloses creating a description file of the graphically edited rich media content (a description file as input; column 13, line 53 to column 14, line 7).

In regard to claim 23, incorporating the rejection of claim 18 above:

Claim 23 (program code medium) is rejected for the same reasons put forth in the rejection of claim 6 (the corresponding method).

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7. Claims 9 and 26 are rejected under 35 U.S.C. 103(a) as being unpatentable over Gibbon (US Patent 6,473,778) in view of Hui (US Patent 6,654,030, and further in view of Ohsuga et al.(U.S. Patent 6,317,151) hereinafter referred to as Ohsuga.

In regard to claim 9, incorporating the rejection of claim 5:

"...generating the streaming digital file as a sequence of frames."

Gibbon combined with Hui teaches collecting rich media content and combining with a descriptive file having a user-defined vocabulary defining content and relationships, modified by Murphy teaching the transmission of a streaming digital file containing rich media content (video/audio feed). Although Murphy references the digital stream as a series of packets, neither reference teaches that the generation of the streaming digital file specifically as a sequence of frames. However, Ohsuga teaches streaming video to a digital file as a sequence of frames (column 1, lines 36 - 43).

Therefore, it would have been obvious to one skilled in the art at the time the invention was made to combine the teachings of Gibbon and Murphy to obtain a means to merge a descriptive file with a rich media content and incorporating the generation of the rich media content as a streaming digital file in a sequence of frames as taught by Ohsuga because the digital frame allows the user to capture natural images and then edit them a reproducible digital format (see column 1, lines 36 - 42) that could be used as rich media content as taught by Gibbon.

In regard to claim 26, incorporating the rejection of claim 22:

Claim 26 (program code medium) is rejected for the same reasons put forth in the rejection of claim 9 (the corresponding method).

***Response to Arguments***

8. Applicant's arguments with respect to claims 1-28 have been considered but are moot in view of the new ground(s) of rejection.

***Conclusion***

9. Applicant's amendment necessitated the new ground(s) of rejection presented in this Office action. Accordingly, **THIS ACTION IS MADE FINAL**. See MPEP § 706.07(a). Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire **THREE MONTHS** from the mailing date of this action. In the event a first reply is filed within **TWO MONTHS** of the mailing date of this final action and the advisory action is not mailed until after the end of the **THREE-MONTH** shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than **SIX MONTHS** from the date of this final action.

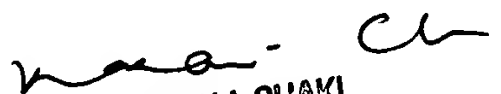
10. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Insun Kang whose telephone number is 571-272-3724. The examiner can normally be reached on M-F 7:30-4 PM.

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If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Kakali Chaki can be reached on 571-272-3719. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

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